

IN THE UNITED STATES DISTRICT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

SHIRLEY A. BANKS-BENNETT
(Plaintiff)

INGRAM MICRO U.S. et al.
(Defendants)

FILED
HARRISBURG, PA

MAR 15 2004

CIVIL ACTION NO.:
1: CV-01-1241

MARY E. D'ANDREA, CLERK
Per  I Kane

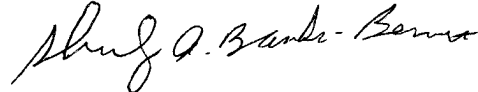
BRIEF IN OPPOSITION

1. Admitted.
2. Denied as stated. Plaintiff was full time, 2:30 p.m. – 11:00 p.m. Sometimes as a boxmaker and sometimes as a hot replenishment clerk.
3. Denied as stated. Ten employees work at Drexel Group, Inc. and plaintiff was a temp to perm from 04/07/97 to 08/25/97. Exhibit #7.
4. Denied. Ten employees work at Drexel Group, Inc. 04/07/97 to 08/25/97.
5. Denied as stated. Please see #2.
6. Denied as stated. Plaintiff was full time.
7. Barry Wharton did not hire Aaron Bobb. Peter Hoffman hired him with Vickie Smith's approval.
8. Denied as stated. Peter Hoffman, manager of hot replenishment on numerous occasions said "if it was up to me (Peter Hoffman), you would be hired today" as a hot replenishment clerk.
9. In August 1997, Wharton went to Human Resources and relayed all of the foregoing information to Vickie Smith, the HR manager. Wharton asked for permission to extend offers of permanent employment to these three Hispanic women and was given permission to do that as was custom and routine when he wanted to hire someone.
10. I put in an application for employment on or about 04/01/97. On or about July 31, 1997, defendant put a sign out in the front of the building advertising employment opportunities. The complaint was served to the defendant on August 8, 1997. Vickie Smith hired three more temporary employees. Five people were hired off the street for the same position that the plaintiff had already been working as a temp employee.
11. I showed a prima facie of retaliation.
12. Denied as stated. Ken Goodman was present on 08/13/97. Certification or Affidavit, exhibit #5, which speaks for itself. It was a hostile work environment. Bill Munley once said to plaintiff, "Temps are losers and I will work you till tomorrow morning" which he did work me until 2:00 a.m., way past the end of my shift.

13. Denied as stated. Vickie Smith hired five people off the street for the same position that the plaintiff had already been working as a temporary employee because plaintiff was considered a whistleblower. Exhibit #7.
14. Denied. Whistleblower was terminated.
15. There is genuine issues of material fact in this case and summary judgment in favor of plaintiff.

Wherefore, plaintiff is entitled to relief and for the defendant to pay.

Respectfully Submitted,



Date: 3-15-04

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